

ORDINANCE NO. 2019 - 05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, AMENDING ORDINANCE 2018-07, WHICH ORDINANCE PROHIBITS THE USE OF CERTAIN PLASTIC BAGS, TO ALLOW AN EXEMPTION FOR THE USE OF SMALL, LOCKING, PLASTIC BAGS UP TO ONE QUART IN SIZE.

RECITALS

WHEREAS, the Town of Ridgway (the “Town”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the Home Rule Charter of the Town (the “Charter”); and

WHEREAS, the Town is governed by its Home Rule Charter (“Charter”) as authorized by Article XX § 6 of the Colorado Constitution; and

WHEREAS, it is the purpose of the Town Council to attempt to protect the health, safety and welfare of its citizens; and

WHEREAS, the Town adopted Ordinance 2018-07 in December 2018 prohibiting the use of certain plastic bags and encouraging citizens to curtail their use of single-use plastics; and

WHEREAS, the Town Council discussed changes to Ordinance 2018-07 during the May 8, 2019 regular meeting of the Town Council to allow for small, locking bags limited to a specific size; and

WHEREAS, the Town Council desires to amend Ordinance 2018-07 for the purpose of exempting specific plastic bags.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, THAT:

SECTION 1. RECITALS.

The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

SECTION 2. AMENDMENT TO THE TOWN CODE CHAPTER 12, SECTION 3 BAG RESTRICTIONS.

The following subsection shall be added to Chapter 12, Section 12-3-1(B)

* * *

(B) *Disposable Plastic Bag* means a bag made from non-compostable plastic provided by a Business to a customer at a point of sale or inside the business for the purpose of transporting goods.

Disposable Plastic Bag does not include:

- (1) Newspaper bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, pet waste or yard waste.
- (2) Small, locking, plastic bags up to one quart in size.

* * *

SECTION 2. ORDINANCE EFFECT

All Ordinances of the Town, or parts thereof, inconsistent or in conflict with this Ordinance are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

SECTION 3. SEVERABILITY

The Provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect 30 days after adoption.

SECTION 5. PUBLIC HEARING.

A public hearing on this Ordinance was held on the ____ day of _____, 2019, in the Town Council Chambers, 201 N. Railroad Street, Ridgway, CO 81432.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Ridgway, Colorado, on the ____ day of _____, 2019.

**TOWN OF RIDGWAY, COLORADO, A HOME
RULE MUNICIPALITY**

By: _____
JOHN CLARK, Mayor

ATTEST:

PAM KRAFT, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this _____
day of _____, 2019.

TOWN OF RIDGWAY, COLORADO, A HOME
RULE MUNICIPALITY

By: _____
JOHN CLARK, Mayor

ATTEST:

PAM KRAFT, Town Clerk

Approved as to Form:

BO JAMES NERLIN, Town Attorney